REMARKS

Claims 1, 4-6, 8, 9, and 11-16 remain pending in this application for which applicant seeks reconsideration. The reply filed on 12 August 2011 addressed the interview held on 01 April 2011.

Amendment

Independent claims 1, 9, and 16 have been amended to clarify that the terminal controller sends via a communication interface. No new matter has been introduced.

§ 112 Rejection

The examiner objected to the specification and rejected all pending claims 1, 4-6, 8, 9, and 11-16 under 35 U.S.C. § 112, ¶¶ 1 & 2, because the examiner believes that the original disclosure does not support "a terminal controller" that provides the functions of the "sending section" and the "terminal controlling section." According to the examiner, the sending section (i.e., communication interface 8) sends the copy permission request.

Applicant traverse these rejections because it is the CPU 1 that controls when and where to send the copy permission request. Indeed, the sending section does not correspond to the user interface, but rather to P9 in Fig. 4C. Note that the CPU 1 is programmed to carry out the functions illustrated in Fig. 4C. The terminal controller corresponds to CPU 1. The term "terminal" is added as a descriptor to easily distinguish from the server controller.

In view of the foregoing, applicant submits that the § 112 rejections are improper.

Art Rejection

All pending claims 1, 4-6, 8, 9, and 11-15 remain rejected under 35 U.S.C. § 102(b) as anticipated by Nozaki (USPGP 2002/0036800). Applicant again traverses this rejection essentially for the reasons stated in the last reply, namely that Nozaki does not disclose or teach at least the claimed feature (1)(B)(ii) and (2) outlined below.

Independent claim 1 calls for, *inter alia*, the following features:

(1)     a contents supplying server apparatus having:

(A)     a server storing device storing, together with numerous contents, user information for the user, **including user ID information representing a plurality of information processing terminals associated with the user** and contents purchase information comprising contents ID information and copy control data, wherein the copy control data includes a total number of times the downloaded contents are allowed to be copied to an external apparatus or recording medium;

(B)    a server controller that, in response to a copy permission request from the user via one of the information processing terminals:

(i)    supplies the copy control data of the user to the one information processing terminal, and

**(ii)    decrements the total number of times the downloaded contents are allowed to be copied from any of the information processing terminals associated with the user**; and

(2)    a plurality of information processing terminals each having a terminal controller **that sends, via a communication interface, to the contents supplying server apparatus a copy permission request for copying the downloaded contents to the external apparatus or recording medium each time before the downloaded contents are to be copied to the external apparatus or recording medium**.

In the last reply, applicant explained why Nozaki does not disclose or teach the claimed features (1)(B)(ii) and (2) outlined above. In response, the examiner asserts that Nozaki discloses a server that has means to manage, including decrementing, the copy count and employs such means to decrement the copy count, relying on Fig. 3, element 22, and paragraphs 26, 212, and 213.

Again, applicant notes that none of the passages relied upon by the examiner supports the examiner conclusion that Nozaki's copy count setting section (software) 22 manages the decrementing of the copy count each time the user copies the downloaded contents.

In contrast to the examiner's assertion, Nozaki discloses the PC (e.g., the information processing terminal), and not the server, that decrements and manages the copy count. Specifically, while Nozaki discloses the problem associated with paying multiple fees for the same downloaded contents, such as due to the user using different computers, Nozaki takes a different approach to solving this problem than the claimed invention. In Nozaki, the user information, including copy control data, is stored LOCALLY in the user PC. The server 1 initially sends the copy count information to the user PC in response to a request by the user PC. The user PC duplicates the music data based on the limitations imposed by the available count information. See Fig. 3 and paragraph 63:

> [0063]  The available copy count setting section 22 is a block to set available copy count information of distribution-use music data based on the desired available copy count of the distribution-use music data, distribution of which has been requested by the PC. More specifically, data containing the available copy count

7

information thus set by the available copy count setting section 22
is sent to the PC, and the PC makes a duplicate of the data based
on limitations imposed by the available copy count information.

In Nozaki, rewriting of the copy control data each time the music data is copied is done
at the PC side. See Fig. 5, paragraph 80, Figs. 4 (which shows the arrangement of the PC) and
10, and paragraphs 140-143.

> [0141] In S42, **the data copying section 26 checks the**
> **available copy count information of the distribution-use**
> **music data**, so as to confirm whether the current available copy
> count information is at or exceeds the required available copy
> count. Here, if the current available copy count information is less
> than the required available copy count, unavailability of copying is
> informed to the user before the process ends. In this case, if
> required, the user may make the request for reuse.

The available copy count data is always rewritten at the PC side when the music data is
copied. The passages relied upon by the examiner at best disclose that the distribution server 1
includes in the download contents, a header containing a copy count or reproducible
environment information. **Nozaki does not disclose anywhere that the server changes the**
**count information or keeps track of copy count information or that the PC sends the**
**count information to the server each time it copies the already downloaded music**
**contents**. The examiner has yet to controvert this with real supporting evidence.

Indeed, while the server initially sets the maximum number of copies the music contents
can be copied, it does not keep track of the copy count. That is, in Nozaki, the PC side keeps
track of number of times the already downloaded contents have been copied. The server side
merely provides the total number of allowed copies to be made that it initially sets, in the header
of the downloaded contents. The total number provided in the header does not change. That
is, in contrast to the examiner's assertion, the server does not decrement each time a copy is
made by the PC. Rather, Nozaki merely discloses downloading the requested contents to a PC,
and the PC then manages distribution and copy limitations, without any server involvement.
The examiner has yet to provide any passage in Nozaki that discloses that Nozaki manages the
copy count from the server side.

In the claimed feature (1)(B)(ii), the server apparatus keeps track of the number of times
the already downloaded contents have been copied by the requirement of the PC sending a
copy permission request to copy the already downloaded music data from the server each time

the music data is to be copied within the available copy count (see claimed feature (2)). This is different from the way Nozaki keeps track of the copy count.

The examiner also asserts that Nozaki supports "the prerogative of the content provider to limit the copy permission to an individual copy, thus inciting the PC to request permission each time it requires a new copy," relying on paragraph 100, 113, 141, 146, and Fig. 1.

Again, none of the passages replied upon by the examiner supports the examiner conclusion. If the examiner so adamantly believes that Nozaki teaches claimed feature (1)(B)(ii) and (2) outlined above, the examiner should pinpoint exactly where and how Nozaki teaches these limitations.

In sum, the examiner has yet to provide any support for, having the user PC send a copy permission request **each time a copy is made** in Nozaki. As previously explained, there simply is no disclosure anywhere in Nozaki for having the PC send a copy permission request each time a copy is made. The reuse request is made by the PC only after it determines that the copy count remaining is zero.

For the foregoing reasons, applicant submits that Nozaki would not have taught the claimed invention. Independent claims 9 and 16 parallel claim 1.

<div align="center">Conclusion</div>

Applicant submits that the pending claims distinguish over Nozaki and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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